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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GABOR FODOR, JOHNSON OYAMA, INA WIDEGREN,
and BRIAN WILLIAMS

Appeal 2007-3347
Application 09/768,956
Technology Center 2100

Decided: December 21, 2007

Before LANCE LEONARD BARRY, HOWARD B. BLANKENSHIP, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 10-14. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

A. INVENTION

The invention at issue involves Quality of Service provisioning mechanisms in Internet Protocol (IP) networks (Spec. 1). Typically, a Resource Reservation Protocol (RSVP) is used by a host to request specific qualities of service from a network for particular application data streams or flows (*Id.* 3). Such IP level signaling provides end-to-end significance of a quality of service enabled request from an end user (*Id.* 11). However, problems may arise such as poor radio resource efficiency, inappropriate service definitions for heterogeneous networks or procedures for bidirectional flows (*Id.*).

In contrast, Appellants' invention provides for IP level signaling in radio networks using a proxy method in a radio network (*Id.* 12).

B. ILLUSTRATIVE CLAIMS

Claims 10, 13, and 14 which further illustrate the invention, follow.

10. A method in a mobile terminal for providing support for internet protocol signaling, wherein the mobile terminal is connected to a local user's terminal equipment and to a radio network, the method comprising the steps of:

terminating a resource reservation protocol message sent from a local user's terminal equipment;

determining, based on parameters contained in the resource reservation protocol message, whether to create a new packet data protocol context or to modify an existing packet data protocol context; and

sending a request to create or modify the packet data protocol context through the radio network.

13. A method for a gateway general packet radio service support node comprising the steps of:

including internet protocol quality of service information in packet data protocol context; and

transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa.

14. A mobile terminal comprising:
a first interface to a local user's terminal equipment;
a second interface to a radio network;
a terminating unit for terminating resource reservation protocol; and
a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa.

C. REJECTIONS

Claims 10-12 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,708,034 ("Sen"). Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Sen and U.S. Patent No. 6,728,208 ("Puuskari").

II. CLAIM GROUPING

1 “When multiple claims subject to the same ground of rejection are argued as a group by Appellants, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of Appellants to separately argue claims which Appellants have grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.” 37 C.F.R. § 41.37(c)(1)(vii) (2005).¹

Here, Appellants argue claims 10-12, which are subject to the same ground of rejection, as a group (App. Br. 5-6). Appellants further separately argue claim 13 and claim 14.

III. CLAIMS 10-12

We select claim 1 as the sole claim on which to decide the appeal of the group. “Rather than reiterate the positions of parties *in toto*, we focus on the issue therebetween.” *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at *2 (BPAI 2007).

Appellants argue that Sen fails to disclose that the method steps recited in claim 10 are performed in a mobile terminal. (App. Br. 5). In

¹ We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

response, the Examiner finds that Sen discloses “the claimed invention being performed by a RSVP agent (col. 5, lines 1-11, 31-66; col. 5, line 67-col. 6, line 5; col. 7, lines 6-7); that “the RSVP agent is a process resident in a terminal, node or other device that handles the RSVP signaling for that device (col. 4, lines 36-38)”; that the RSVP agent enables that device to interface with other RSVP enabled devices or networks (col. 4, lines 38-40); and that “a mobile station is capable of generating and interpreting RSVP messages (col. 4, lines 24-27).” (Ans. 7). Based on these findings, the Examiner concludes that “Sen taught a mobile station (i.e., mobile terminal) with a RSVP agent for performing the invention as claimed in claim 10.” (*Id.*)

We agree that Sen discloses an RSVP agent “resident in a terminal, node or other device that handles the RSVP signaling for that device” (col. 4, ll. 36-38) and that the mobile station “is capable of generating and interpreting RSVP messages” (col. 4, ll. 26-27). We therefore agree with the Examiner that the “terminal, node or other device” of Sen encompasses a “mobile station” because the “terminal node or other device” includes any device that “handles the RSVP signaling,” while “the mobile station” is disclosed as handling RSVP signaling. It follows that Sen discloses that an RSVP agent is resident in a mobile terminal.

In addition, the Examiner asserts that the RSVP agent is disclosed by Sen as performing the steps recited in claim 10. (Ans. 7). Appellants do not dispute this finding.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 10. Therefore, we affirm the rejection of claim 10 and of claims 11 and 12, which fall therewith.

IV. CLAIM 14

Appellants argue that Sen fails to disclose a translation unit for transforming a resource reservation protocol message into a packet data protocol message and vice versa. (App. Br. 6). The Examiner finds that Sen discloses “a translation unit for transforming resource reservation protocol message into a packet data protocol message and vice versa (col. 4, lines 22-27; col. 7, lines 6-7)” (Ans. 5); “a RSVP agent [that] generates PATH and/or RESV messages . . . in response to receiving QoS requirements . . . (col. 4, lines 25-34)”; and a mobile station generating “a RSVP . . . message . . .” (*Id.* 8-9).

We agree that Sen discloses an RSVP agent resident on a mobile terminal, as discussed above. The mobile terminal runs a “QoS-aware application” and is capable of “generating and interpreting RSVP messages.” (Col. 4, ll. 24-27). The QoS-aware application (in the mobile terminal) informs the RSVP agent (also in the mobile terminal), which then “generates the PATH . . . messages” (col. 4, ll. 32-34). We therefore agree with the Examiner that the mobile terminal receives “QoS requirements” (col. 4, ll. 28-29) (i.e., a packet data protocol message) and transforms the message into RSVP messages via the RSVP agent.

In addition, the RSVP agent (resident on a mobile terminal) “intercepts the PATH message . . . and generates an RESV message containing the Flow_spec (comprising R_Spec . . .). R_Spec contains information about the QoS requirements.” (Col. 5, ll. 14-15). Hence, the mobile terminal contains a translation unit (i.e., RSVP agent) for transforming an RSVP message (PATH) into a PDP message (i.e., message containing information about the QoS requirements).

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 14. Therefore, we affirm the rejection of claim 14.

V. CLAIM 13

Here, Appellants argue that Sen and Puuskari fail to disclose transforming quality of service related signaling according to an Internet protocol into signaling according to a resource reservation protocol, and vice versa. (App. Br. 7). The Examiner finds that Sen discloses “transforming, by the gateway general packet radio service support node, quality of service related signaling according to an internet protocol into signaling according a resource reservation protocol, and vice versa (col. 5, lines 31-49).” (Ans. 6). The Examiner further states that “the RSVP agent for performing the process of transforming . . . (resides) in the gateway general packet radio service support node (i.e., GGSN) (col. 5, lines 7-10, 42-43) . . . (col. 3, lines 52-59).” (Ans. 9-10).

Sen discloses an RSVP agent in a Gateway General Packet Radio Service Support Node (GGSN) (col. 5, ll. 30-31) that intercepts PATH messages “and initiates setting up the resources required for the call to go through.” (Col. 5, ll. 10-12). In so doing, the GGSN receives an Update PDP Context request message (col. 6, ll. 4-6) and the RSVP agent (in the GGSN) forwards “the RESV message to the next node” (col. 6, ll. 8-10). Hence, Sen discloses an RSVP agent in a GGSN that receives a PDP context request (i.e., signaling according to an internet protocol) and transforms the request into a RESV message (i.e., a resource reservation protocol). Therefore, we agree with the Examiner that Sen discloses this feature.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 14. Therefore, we affirm the rejection of claim 14.

IV. ORDER

In summary, the rejection of claims 10-12 and 14 under § 102(e) and the rejection of claim 13 under § 103(a) are affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

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AFFIRMED

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ERICSSON INC.
6300 LEGACY DRIVE
M/S/ EVR 1-3-11
PLANO, TX 75024